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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,325	06/23/1999	YOAV SHOHAM	003660.P001X	2458

7590 08/30/2006

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/339,325	SHOHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>071706</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2006 has been entered.

### ***Response to Amendment***

2. The amendment filed on July 17, 2006 under 37 CFR 1.114 has amended Claim 22. No claims were cancelled and no new claims were added. Thus, the currently pending claims considered below remain Claims 9-13 and 22.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-13 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Woolston (U.S. Patent Number: 5,845,265).

Claim 22: Woolston discloses a universal auction specification system comprising:

- a. A market specification console (posting terminal 700) configured to receive at least one market protocol from a user, the at least one market protocol including trading primitives to dictate the behavior of the universal auction system with respect to a plurality of goods offered by a plurality of auction participants. (Col 4, lines 10-37; Col 10, lines 3-18; and Col 15, line 23 - Col 16, line 58).
- b. A programmable auction server (market maker computer 800), coupled to the market specification console via a network connection, the programmable auction server to receive the at least one market protocol defined by the market specification console, the programmable auction server to implement at least one of the trading primitives to deploy the universal auction system and to manage trading of the plurality of goods offered by the plurality of

auction participants in the universal auction system. (Col 4, lines 39-58; and Col 14, lines 51-63).

Claim 9: Woolston discloses a system for conducting auctions as in Claim 22 above, and further discloses the marker specification console contains user modifiable rules (Col 5, line 48 - Col 6, line 9 and Col 17, lines 1-12).

Claim 10: Woolston discloses a system for conducting auctions as in Claim 9 above, and further discloses wherein the rules comprise at least one market protocol (Col 15, line 23 - Col 16, line 58).

Claim 11: Woolston discloses a system for conducting auctions as in Claim 9 above, and further discloses the market specification console includes a graphical user interface (GUI) to configure the market protocol (Figure 13).

Claim 12: Woolston discloses a system for conducting auctions as in Claim 11 above, and further discloses the market protocol is displayed in parameterized form on the GUI (Figure 13).

Claim 13: Woolston discloses a system for conducting auctions as in Claim 11 above, and further discloses the user defines arbitrary market protocols via the

GUI (the user in Woolston uses the GUI to enter all of the selections pertaining to the auction when setting up the auction for posting to the auction server)(Figure 13).

### ***Response to Arguments***

5. Applicant's arguments filed July 17, 2006 have been fully considered but they are not persuasive.
  - a. The applicant's argument that Woolston (U.S. Patent Number: 5,845,265) does not teach a user providing data pertaining to numerous goods offered by different auction participants is inaccurate. The Woolston reference discloses that the user can be an individual listing their own goods (Col 3, line 42 through Col 4, line2), or the user can be listing goods on consignment from other individuals wishing to participate in an auction (Col 4, lines 10-38). The Woolston reference further teaches that numerous goods can be listed (Col 4, lines 39-58).
  - b. The applicant argues that Woolston (U.S. Patent Number: 5,845,265) does not teach trading primitives that dictate the behavior of a universal auction system. However, according to the applicants specification (Page 7, lines 1-5) a trading primitive (TP) is a market designer selected option that specifies rules such as market rules governing a particular phase, and dictates the behavior of the PAS 140. The applicant also states that TP's

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may also dictate when important events such as clears or information releases occur. The Woolston reference teaches that user selected options can include an auction start time, an auction stop time, a reserve price that must be met before a bid is accepted as "sold", and notification releases regarding upcoming auctions. (Col 5, line 48 through Col 6, line 44, Col 10, lines 34-58; and Col 15, line 43 through Col 16, line 26). Therefore, the Woolston reference teaches trading primitives as outlined by the users specification.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

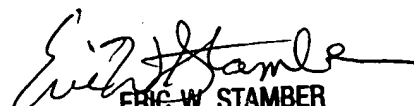
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
jvb

  
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